

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

11	CLAUDIA MARTINEZ, an individual,)	Case No.: 5:12-CV-00147-LHK
12	Plaintiff,)	ORDER DISMISSING CASE WITH
13	v.)	PREJUDICE FOR FAILURE TO
14	INDYMAC MORTGAGE SERVICES, a)	PROSECUTE
15	division of ONEWEST BANK, FSB; FREDDIE)	
16	MAC, and DOES 1-100, inclusive,)	
17	Defendants.)	
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Plaintiff Claudia Martinez filed a complaint in state court against Indymac Mortgage Services and Freddie Mac (collectively “Defendants”) on June 1, 2011. *See* ECF No. 1. On January 9, 2012, Defendants removed this case to federal court. On January 20, 2012, Defendants filed a Motion to Dismiss the complaint or in the alternative a Motion for Summary Judgment pursuant to Federal Rules of Civil Procedure 12(b)(6) and 56. *See* ECF No. 5. Plaintiff declined to proceed before a magistrate judge on January 24, 2012, and the case was reassigned to the undersigned judge on January 26, 2012. ECF Nos. 8, 10. On February 3, 2012, Defendants filed a renewed Motion to Dismiss the complaint or in the alternative a Motion for Summary Judgment. ECF No. 11. Pursuant to Civil Local Rule 7-3(a), Plaintiff’s opposition to the motion to dismiss was due on February 17, 2012. Plaintiff has not filed an opposition or statement of non-opposition to Defendants’ motion.

1 On April 27, 2012, the Court ordered plaintiff to show cause why this case should not be
2 dismissed for failure to prosecute. ECF No. 13. The order to show cause ordered Plaintiff to
3 respond to the order to show cause by May 10, 2012, and to appear at the hearing on the order to
4 show cause on May 24, 2012 at 1:30 p.m. The order stated that if Plaintiff failed to respond to the
5 order and failed to appear at the May 24, 2012 hearing, this case would be dismissed with prejudice
6 for failure to prosecute. Plaintiff failed to respond to the order to show cause and failed to appear at
7 the order to show cause hearing. Accordingly, the Court DISMISSES this case with prejudice for
8 failure to prosecute. The Clerk shall close the file.

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10 **IT IS SO ORDERED.**

11 Dated: May 24, 2012

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13 LUCY H. KOH
14 United States District Judge
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